

Kansas Department of Agriculture
Division of Food Safety and Lodging
 1320 Research Park Drive, Manhattan, KS 66502
 (office) 785-564-6767 (fax) 785-564-6779

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Insp Date: 3/5/2015 **Business ID:** 110265FE
Business: LUCKY GARDEN

32663 W 83RD ST
 DE SOTO, KS 66018

Inspection: 30001456
Store ID:
Phone: 9135851916
Inspector: KDA30
Reason: 01 Routine
Results: Follow-up

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
03/05/15	12:45 PM	03:15 PM	2:30	0:15	2:45	0	
Total:			2:30	0:15	2:45	0	

FOOD ESTABLISHMENT PROFILE

Insp. Notification Email Sent Notification To _____ Lic. Insp. No

Priority(P) Violations 4 Priority foundation(Pf) Violations 4

Certified Manager on Staff ☐ Address Verified p Actual Sq. Ft. 0
 Certified Manager Present ☐

INSPECTION INFORMATION

Risk factors are improper practices or procedures identified as the most prevalent contributing factors of food-borne illness or injury. Public health interventions are control measures to prevent food-borne illness or injury.

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals and physical objects into foods.

Violations cited in this report must be corrected within the time frames entered below, or as stated in sections 8-405.11 of the food code.

P=Priority Violation, Pf=Priority foundation violation, HACCP=Hazard Analysis-Critical Control Point, BHC=Bare Hand Contact, RTE=Ready to Eat, HSP=Highly Susceptible Population, K.S.A.=Kansas Statutes Annotated, All temperatures are measured in degrees Fahrenheit (°F).

IF YOU HAVE ANY QUESTIONS PLEASE VISIT www.agriculture.ks.gov, EMAIL fsl@kda.ks.gov, OR CALL (785) 564-6767.

COMPLIANCE KEY: Y=in compliance; N=not in compliance; O=not observed; A=not applicable; C=corrected on-site during inspection; R=repeat violation.

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Demonstration of Knowledge

1. Certification by accredited program, compliance with Code, or correct responses.

Y N O A C R
 p

Employee Health

2. Management awareness; policy present.

Y N O A C R
 p

3. Proper use of reporting, restriction and exclusion.

.. .. p

Good Hygienic Practices

Y N O A C R

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Good Hygienic Practices			Y	N	O	A	C	R
4. Proper eating, tasting, drinking, or tobacco use			p	..	..	..	..	..
5. No discharge from eyes, nose and mouth.			p	..	..	..	..	..
Preventing Contamination by Hands			Y	N	O	A	C	R
6. Hands clean and properly washed.			p	..	..	..	..	..
7. No bare hand contact with RTE foods or approved alternate method properly followed.			p	..	..	..	..	..
8. Adequate handwashing facilities supplied and accessible.			..	p	..	..	p	..
<i>Fail Notes</i>	5-205.11(A)	Pf - A HANDWASHING SINK shall be maintained so that it is accessible at all times for EMPLOYEE use. [Access to the rear kitchen hand sink was blocked by a large trash can and a shelving unit. COS: Items were moved to provide access.]						
	5-205.11(B)	Pf - A HANDWASHING SINK may not be used for purposes other than handwashing. [The front kitchen hand sink had a water filter and a scrub brush in the basin of the sink. COS: Items removed.]						
	6-301.12	Pf - Each HANDWASHING SINK or group of adjacent HANDWASHING SINKS shall be provided with: Individual, disposable towels; a continuous towel system that supplies the user with a clean towel; a heated-air hand drying device; or a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures. [The rear kitchen hand sink was not supplied with paper towels. COS: Towels provided.]						
Approved Source			Y	N	O	A	C	R
9. Food obtained from approved source.			p	..	..	..	..	..
10. Food received at proper temperature.			..	..	p	..	..	..
11. Food in good condition, safe and unadulterated.			..	p	..	..	p	..
<i>Fail Notes</i>	3-101.11	P - FOOD shall be safe, UNADULTERATED, and honestly presented. [RTE fried wontons were stored directly in a cardboard box that previously stored raw chicken. COS: Wontons discarded and PIC was educated.]						
12. Required records available: shellstock tags, parasite destruction.			..	..	..	p	..	..
Protection from Contamination			Y	N	O	A	C	R
13. Food separated and protected.			..	p	..	..	..	..
<i>Fail Notes</i>	3-302.11(A)(1)(a)	P - FOOD shall be protected from cross contamination by separating raw animal FOODS during storage, preparation, holding, and display from raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables [In the kitchen RIC a container of raw chicken was stored directly on top of a container of raw cabbage and a container of raw broccoli. COS: Vegetables were moved.]						
	3-302.11(A)(1)(b)	P - FOOD shall be protected from cross contamination by separating raw animal FOODS during storage, preparation, holding, and display from Cooked READY-TO-EAT FOOD. [In the make table (reach-in portion) pooled raw eggs were stored directly above fully cooked noodles. In the kitchen RIC raw chicken was stored directly over fully cooked chicken. COS: Cooked noodles and fully cooked chicken were moved.]						
14. Food-contact surfaces: cleaned and sanitized.			p	..	..	..	..	..
<i>This item has Notes. See Footnote 1 at end of questionnaire.</i>								
15. Proper disposition of returned, previously served, reconditioned and unsafe food.			p	..	..	..	..	..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Potentially Hazardous Food Time/Temperature	Y	N	O	A	C	R
16. Proper cooking time and temperatures.	p	..	..	..	..	..
<i>This item has Notes. See Footnote 2 at end of questionnaire.</i>						
17. Proper reheating procedures for hot holding.	p	..	..	..	..	..
18. Proper cooling time and temperatures.	..	..	p	..	..	..
<i>This item has Notes. See Footnote 3 at end of questionnaire.</i>						
19. Proper hot holding temperatures.	p	..	..	..	..	..
<i>This item has Notes. See Footnote 4 at end of questionnaire.</i>						
20. Proper cold holding temperatures.	p	..	..	..	..	..
<i>This item has Notes. See Footnote 5 at end of questionnaire.</i>						
21. Proper date marking and disposition.	..	..	p	..	..	..
<i>This item has Notes. See Footnote 6 at end of questionnaire.</i>						
22. Time as a public health control: procedures and record.	..	..	..	p	..	..
Consumer Advisory	Y	N	O	A	C	R
23. Consumer advisory provided for raw or undercooked foods.	..	..	..	p	..	..
Highly Susceptible Populations	Y	N	O	A	C	R
24. Pasteurized foods used; prohibited foods not offered.	p	..	..	..	..	..
Chemical	Y	N	O	A	C	R
25. Food additives: approved and properly used.	..	..	p	..	..	..
26. Toxic substances properly identified, stored and used.	p	..	..	..	..	..
Conformance with Approved Procedures	Y	N	O	A	C	R
27. Compliance with variance, specialized process and HACCP plan.	..	..	..	p	..	..
GOOD RETAIL PRACTICES						
Safe Food and Water	Y	N	O	A	C	R
28. Pasteurized eggs used where required.	..	..	p	..	..	..
29. Water and ice from approved source.	p	..	..	..	..	..
30. Variance obtained for specialized processing methods.	..	..	..	p	..	..
Food Temperature Control	Y	N	O	A	C	R
31. Proper cooling methods used; adequate equipment for temperature control.	p	..	..	..	..	..
32. Plant food properly cooked for hot holding.	..	..	p	..	..	..
33. Approved thawing methods used.	..	..	p	..	..	..
34. Thermometers provided and accurate.	p	..	..	..	..	..
Food Identification	Y	N	O	A	C	R
35. Food properly labeled; original container.	..	p	..	..	..	..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Food Identification	Y	N	O	A	C	R
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<i>Fail Notes</i>	3-302.12	<i>Food storage containers (Common Name) Except for containers holding FOOD that can be readily and unmistakably recognized such as dry pasta, working containers holding FOOD or FOOD ingredients that are removed from their original packages for use in the FOOD ESTABLISHMENT, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the FOOD.</i> <i>[Bulk corn starch and potato starch containers are not labeled.]</i>
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Prevention of Food Contamination	Y	N	O	A	C	R
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36. Insects, rodents and animals not present.	p
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37. Contamination prevented during food preparation, storage and display.	..	p
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<i>Fail Notes</i>	3-305.11(A)(1)	<i>Food storage - Except as specified in ¶¶ (B) and (C) of 3-305.11, FOOD shall be protected from contamination by storing the FOOD: in a clean, dry location; where it is not exposed to splash, dust, or other contamination; and at least 15 cm (6 inches) above the floor.</i> <i>[In the back room bags of corn starch are stored directly on the floor.]</i>
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38. Personal cleanliness.	p
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39. Wiping cloths: properly used and stored.	..	p
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This item has Notes. See Footnote 7 at end of questionnaire.

<i>Fail Notes</i>	3-304.14(B)(1)	<i>Wiping cloths (Storage) Cloths in-use for wiping counters and other EQUIPMENT surfaces shall be held between uses in a chemical sanitizer solution at an appropriate concentration.</i> <i>[Wet wiping cloths are stored in an empty container and not in a sanitizer solution.]</i>
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40. Washing fruits and vegetables.	p
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Proper Use of Utensils	Y	N	O	A	C	R
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41. In-use utensils: properly stored.	..	p
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<i>Fail Notes</i>	3-304.12(E)	<i>In-use utensil storage (non-PHF/TCS-clean, protected location) During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS used with FOOD that is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be stored in a clean, protected location.</i> <i>[The ice scoop is stored on top of the ice machine which is not cleaned or protected.]</i>
	3-304.12(F)	<i>In-use utensil storage (135°F water) During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored in a container of water if the water is maintained at a temperature of at least 57°C (135°F) and the container is cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.</i> <i>[At the rice hot hold, ladels are held in water at a measured temperature of 55.6F]</i>

42. Utensils, equipment and linens: properly stored, dried and handled.	..	p
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<i>Fail Notes</i>	4-903.11(A)	<i>Cleaned EQUIPMENT and UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored: In a clean, dry location; Where they are not exposed to splash, dust, or other contamination; and, At least 15 cm (6 inches) above the floor.</i> <i>[Boxes of single-use styrofoam food containers are stored directly on the floor in the back room.]</i>
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43. Single-use and single-service articles: properly used.	..	p
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KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Proper Use of Utensils	Y N O A C R
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<i>Fail Notes</i>	4-502.13(A)	<i>SINGLE-SERVICE and SINGLE-USE ARTICLES may not be reused. [#10 cans are reused to store pooled raw eggs and marinated chicken.]</i>
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44. Gloves used properly.	p
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Utensils, Equipment and Vending	Y N O A C R
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45a. Food and non-food contact surfaces cleanable, properly designed, constructed and used- P and Pf items	.. p
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<i>Fail Notes</i>	4-101.11(A)	<i>P - FCS materials (Safe) Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES OF EQUIPMENT shall be safe.</i> <i>[In the kitchen an industrial drill with a paint mixing attachment was hanging on the wall. Per the PIC the drill/attachment are used to mix batters. COS: The items were removed from service by the PIC. Uncooked rice, corn starch, potato starch, and sugar are stored directly in non-food grade "Rubbermaid" containers. Various cooked, breaded food items are stored directly in non-food grade "Sterilite" containers.]</i>
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45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used- Core items	p
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46. Warewashing facilities: installed, maintained, and used; test strips.	p
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This item has Notes. See Footnote 8 at end of questionnaire.

47. Non-food contact surfaces clean.	.. p
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<i>Fail Notes</i>	4-601.11(C)	<i>NonFOOD-CONTACT SURFACES of EQUIPMENT shall be kept free of an accumulation of dust, dirt, FOOD residue, and other debris. [The fan guards of the WIC have dust and soil build up. The ventilation hood has grease build up.]</i>
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Physical Facilities	Y N O A C R
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48. Hot and cold water available; adequate pressure.	p
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49. Plumbing installed; proper backflow devices.	.. p p ..
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<i>Fail Notes</i>	5-202.12(A)	<i>Pf - A HANDWASHING SINK shall be equipped to provide water at a temperature of at least 38°C (100°F) through a mixing valve or combination faucet.</i> <i>[The hand sink in the employee restroom was providing water at a maximum measured temperature of 64.6F. COS: The hot water supply line was turned back on.]</i>
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50. Sewage and waste water properly disposed.	p
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51. Toilet facilities: properly constructed, supplied and cleaned.	p
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52. Garbage and refuse properly disposed; facilities maintained.	p
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53. Physical facilities installed, maintained and clean.	.. p
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<i>Fail Notes</i>	6-501.11	<i>PHYSICAL FACILITIES shall be maintained in good repair.</i> <i>[In the kitchen there is a hole in the exterior wall that is plugged with a plastic 2-liter soda pop bottle.]</i>
	6-501.12(A)	<i>PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean.</i> <i>[The floor under the wok station has extensive dried food debris, grease build up, and soil accumulation.]</i>

54. Adequate ventilation and lighting; designated areas used.	p
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Administrative/Other	Y N O A C R
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55. Other violations	p
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KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

EDUCATIONAL MATERIALS

The following educational materials were provided

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

Mechanical dish machine: 100 ppm Cl

Footnote 2

Notes:

raw chicken cooked in wok to internal temperature of 170.2F

Footnote 3

Notes:

Cooling procedures and methods discussed for deep fried foods, noodles, and rice.

Footnote 4

Notes:

Soup: hot/sour soup 160.2F

Buffet: beef/broccoli 134.6F, general tso's chicken 135.0F (TPHC discussed)

Rice: steamed rice 155.6F, fried rice 160.2F

Footnote 5

Notes:

*In the storage room a bucket of raw shell eggs in solution is stored outside of refrigeration. (Per the PIC this is a salted egg product for personal consumption only. The product will be labeled as such per the PIC).

Make table: raw chicken 39.3F

RIC: cooked chicken 37.9F

WIC: raw beef 38.0F, cooked chicken 39.3F

Footnote 6

Notes:

Cooked noodles, cooked rice, cooked breaded products all cooked within 24 hours per the PIC. Date marking requirements were discussed with PIC.

Footnote 7

Notes:

The bucket formulated for wiping cloths was measured with a concentration well in excess of 200 ppm Cl. Inspector educated PIC.

Footnote 8

Notes:

Cl test strips provided.

VOLUNTARY DESTRUCTION REPORT

Insp Date: 3/5/2015 **Business ID:** 110265FE
Business: LUCKY GARDEN

32663 W 83RD ST
DE SOTO, KS 66018

Inspection: 30001456
Store ID:
Phone: 9135851916
Inspector: KDA30
Reason: 01 Routine

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes;
03/05/15	12:45 PM	03:15 PM	2:30	0:15	2:45	0	
Total:			2:30	0:15	2:45	0	

ACTIONS

Number of products Voluntarily Destroyed 1

VOLUNTARY DESTRUCTION REPORT

I have this day voluntarily destroyed, or caused to be destroyed, the merchandise described below. Said merchandise found in my possession was unfit for human consumption, misbranded, or otherwise unlawful. Destruction and final disposition of said merchandise has been done in a manner approved by the above named Inspector, representative of the Kansas Department of Agriculture.

I hereby release the Kansas Department of Agriculture, and its members, agents, and representatives from any and all liability.

1. Product Fried wontons Qty 1 Units lbs Value \$ 5.00

Description Adulterated by storage in box previously storing raw chicken.

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

Insp Date: 3/5/2015 **Business ID:** 110265FE
Business: LUCKY GARDEN

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NOTICE OF NON COMPLIANCE WITH KANSAS LAW

The Kansas Food, Drug and Cosmetic Act, effective July 1, 2012 includes K.S.A. 65-619 et seq. and regulations promulgated pursuant thereto and grants the Kansas Department of Agriculture the authority to regulate food establishments and food processing plants.

The Kansas Food, Drug and Cosmetic Act requires that all violations shall be corrected no later than 10 days after this inspection unless otherwise directed on this form.

Failure to comply with the food safety law and its regulations may result in embargo of non-compliant products; immediate closure of your establishment; civil penalties of up to \$1,000.00 per violation; denial of license renewal, modification, suspension and/or revocation of any license or authority issued pursuant to the food safety law; and/or any other penalty authorized by law. Pursuant to K.S.A. 65-619 et seq, licensees issued authority under the Kansas Food, Drug and Cosmetic Act may apply to the secretary for an extension of the time prescribed above.

PLEASE CALL (785) 296-5600 IF YOU HAVE ANY QUESTIONS.

Follow up Scheduled 03/16/15

Inspection Report Number 30001456

Inspection Report Date 03/05/15

Establishment Name LUCKY GARDEN

Physical Address 32663 W 83RD ST City DE SOTO
 Zip 66018

Additional Notes
and Instructions

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